



DOCKET NO. 202498US2CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

KESATOSHI TAKEUCHI

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EXAMINER: KUMAR, S. K.

SERIAL NO: 09/776,677

:

RCE FILED: MAY 16, 2003

GROUP ART UNIT: 2675

FOR: METHOD AND APPARATUS FOR
ADJUSTING QUALITY OF A
DISPLAYED IMAGE

:

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Examiner's Answer of March 10, 2005, appellant provides the following comments.

REMARKS/ARGUMENTS

The Examiner's Answer of March 10, 2005 sets forth the basis for the rejection to claims 1-21 under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,160,576 to Higuchi et al. (herein "Higuchi") in view of U.S. patent 6,330,038 to Johnson, and that Examiner's Answer addresses some comments presented in the Appeal Brief filed December 27, 2004.

Initially, applicant notes the Appeal Brief filed December 27, 2004 contains numerous comments and statements as to why the outstanding rejection is improper. The Examiner's Answer does not in any specific detail address many of those comments. The Examiner's Answer does make some brief comments, which appear to only emphasize that the outstanding rejection is improper, which are now addressed in further detail below.

In the Appeal Brief filed December 27, 2004, applicant pointed out that the outstanding rejection was improper as first it did not meet the claim limitations of a "setting section configured to allow a user to *directly set image quality adjustment excluding contrast and brightness adjustments of the image*" (emphasis added), as specifically required in independent claim 1 and as similarly required in the other independent claims. The outstanding rejection cites the age dial 14 in Higuchi to meet that limitation. However, applicant again reiterates that the age dial 14 in Higuchi *directly sets an age* of a viewer of a display, and does not directly set an image quality adjustment excluding contrast and brightness adjustments of the image. Simply, age is not an image quality adjustment excluding contrast and brightness adjustments of the image. Age is a viewer's age. A direct setting of a viewer's age, which can then control a color compensation parameter setting device 15 to determine amounts of color compensation, is *not a direct setting* of an image quality adjustment excluding contrast and brightness adjustments of the image.

In fact, the basis for the outstanding rejection appears to admit the position that the claim limitations are not met. The Examiner's Answer specifically states:

Thus, age *is directly set*, and the color compensator, first and second enhancement parameters are set accordingly as shown in Figs. 2-4.¹

The above-noted statement in the Examiner's Answer only confirms applicant's position that Higuchi discloses directly setting an age of a viewer of a display. The claims do not recite such a feature, and in fact recite a contrary feature. In the claims an image quality adjustment excluding contrast and brightness is directly set. One specific example of that image quality adjustment is a sharpness adjustment, such as specifically required in dependent claims 2 and 15. As shown for example in Figure 8 in the present specification, image quality adjustments such as brightness, contrast, and sharpness can be directly set by a user. Setting an age in Higuchi does not correspond to the above-noted claim feature.

Further, applicant notes the claims do not merely require directly setting an image quality, but specifically require directly setting an image quality adjustment excluding contrast and brightness adjustments of the image. There is no indication at all in the outstanding rejection that the age dial 14 in Higuchi, even based on the improper interpretation that it provides a direct setting, sets image quality adjustments excluding contrast and brightness adjustments. It appears clear that the color compensation noted in Higuchi could involve contrast and brightness adjustments, and in that further respect Higuchi is improper.

Clearly the outstanding rejection is improper with respect to the above-noted claim features.

The Appeal Brief filed December 27, 2004, also emphasizes deficiencies in Johnson that have not been addressed in the Office Action. One basis for relying on the teachings in Johnson is “[t]he prior art of Johnson discloses where the image quality adjustment is that of

¹ Examiner's Answer, page 6, last sentence (emphasis added).

sharpness and where sharpness in particular may be set separately from the brightness and contrast".²

That statement in the outstanding rejection is not at all understood as it does not even address the claimed features. Johnson merely discloses conventional controls such as a brightness control, a contrast control, a tint control, and a sharpness control.

In the claimed invention an image adjustment excluding contrast or brightness can result in the change of a brightness control. Johnson does not disclose or suggest any operation in which setting of a sharpness control 208 would have any impact on maintaining a brightness. The outstanding rejection has essentially again ignored applicant's arguments and the claimed features.

The Appeal Brief of December 27, 2004, also sets forth detailed comments as to how the teachings in Johnson could not be combined to the teachings in Higuchi. The outstanding rejection has not addressed any of those arguments in any substantive manner. One statement set forth in the Office Action in addressing the combination of teachings of Johnson to Higuchi is:

The prior art Johnson discloses a method and device for enhancing the sharpness of a video image by separately setting the sharpness resulting in the enhancement of the luminance signal, which can be a broad interpretation of image compensation.³

The above-noted statement in the outstanding rejection is not understood as it does not address any of applicant's comments as to why the teachings in Johnson are not properly combinable to Higuchi, and as it is also not directed to any claimed features.

The claims are not broadly directed to image compensation. The claims are directed to a specific operation in which an image quality adjustment excluding contrast and brightness results in a compensation to maintain a brightness at a center of a specific color

² Examiner's Answer, page 7, lines 13-15.
³ Examiner's Answer at page 8, lines 7-9.

region. Applicant does not dispute that Johnson discloses setting a sharpness, which can result in an enhancement of a luminance signal. Applicant just has no understanding whatsoever of the relevance of such a teaching of Johnson to the claimed features.

To reiterate one point made in the Appeal Brief, although it appears that no substantive comments have been made to many of the points raised in the Appeal Brief, the objective of the device of Higuchi is presumably to simplify an operation for a viewer of a display by allowing the viewer of the display to simply set his or her age, and then certain automatic image compensations are realized based on the set age. It appears that the outstanding rejection is implying some sort of modification to such teachings in Higuchi in view of teachings in Johnson to use separate controls for image quality, such as separate sharpness, tint, etc. controls. Of course such teachings in Johnson would directly contradict the objective of the device of Higuchi to only require a user to set his or her age. Such a modification clearly destroys the objective of Higuchi, and thus is clearly improper. The Examiner's Answer has not even addressed that issue.

In view of these further foregoing comments, applicant reiterates that each of pending claims 1-21 clearly distinguish over the applied art, and that the outstanding rejection is improper and must be REVERSED.

Respectfully submitted,

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